REMARKS

Claims 1 through 35 are pending in this Application, of which claims 2 and 7 through 30 stand withdrawn from consideration pursuant to the provisions of 37 C.F.R. § 1.142(b). Accordingly, claims 1, 3 through 6 and 31 through 35 are active.

Claims 1, 5 and 6 have been amended and new claims 31 through 35 added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the illustrated embodiments, including Figs. 1, 13, 27 and 44, and the related discussion thereof in the written description of the specification, as well as page 85, lines 9 through 17. Applicants submit that the present Amendment does not generate any new matter issue.

Claim 1 was rejected under the second paragraph of 35 U.S.C. § 112.

In the statement of the rejection the Examiner identified language perceived to render claim 1 indefinite, also referring to claims 5 and 6. This rejection is traversed.

In response, claims 1, 5 and 6 have been amended to address the issues raised by the Examiner, thereby overcoming the stated bases for the rejection. Applicants submit that one having ordinary skill in the art would have no difficulty understanding the scope of the claimed invention, particularly when reasonably interpreted in light of and consistent with the written description of the specification, which is the judicial standard. *Miles Laboratories, Inc. v. Shandon, Inc., 997 F.2d 870, 27 USPQ2d 1123 (Fed. Cir. 1993).*

Applicants, therefore, submit that the imposed rejection of claim 1 under the second paragraph of 35 U.S.C. § 112 is not viable and, hence, solicit withdrawal thereof.

Claims 1 and 3 through 5 were rejected under 35 U.S.C. § 102 for lack of novelty as evidenced by Ono et al.

In the statement of the rejection the Examiner referred to Figs. 1 through 4 of Ono et al. identifying, *inter alia*, source/drain regions 22, gate electrode 20, gate insulator film 7, side wall insulator films 18, and pointing to column 13, lines 10 through 12. The Examiner concluded that the disclosed use of fluorine in the channel region also formed a region extending over a junction interface between the source/drain regions and the substrate, presumably the channel region. This rejection is traversed.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the recognized possession of one having ordinary skill in the art. *Dayco Prods., Inc. v. Total Containment, Inc., 329 F.3d 1358, 66 USPQ2d 1801 (Fed. Cir. 2003); Crown Operations International Ltd. v. Solutia Inc., 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002).* There is a fundamental difference between the claimed semiconductor devices and the semiconductor device disclosed by Ono et al. that scotches the factual determination that Ono et al. disclosed a semiconductor device identically corresponding to those claimed.

Specifically, the semiconductor device defined in each of independent claims 1 and 5 has been clarified by reciting that the fluorine or carbon containing region extends from the element isolation region over a junction interface between the first conductivity type semiconductor region and second conductivity type source/drain regions. **Ono et al. neither disclose nor suggest forming a region containing fluorine or carbon extending from an element isolation region as claimed.**

The above argued structural difference between the claimed semiconductor devices and the device disclosed by Ono et al. undermines the factual determination that Ono et al. disclose a semiconductor device identically corresponding to those claimed. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc., 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).* Applicants, therefore, submit that the imposed rejection of claims 1 and 3 through 5 under 35 U.S.C. § 102 for lack of novelty as evidenced by Ono et al. is not factually viable and, hence, solicit withdrawal thereof.

Claims 5 and 6 were rejected under 35 U.S.C. § 102 for lack of novelty as evidenced by Mandelman et al.

In the statement of the rejection the Examiner referred to Fig. 10 of Mandelman et al. and to paragraph [0050], asserting that the halo region 97/99 extends over a junction interface between the first conductivity type semiconductor region and high-concentration impurity region. This rejection is traversed.

Again, the factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the recognized possession of one having ordinary skill in the art. *Dayco Prods., Inc. v. Total Containment, Inc., supra; Crown Operations International Ltd. v. Solutia Inc., supra.* There is a fundamental difference between the claimed semiconductor device and the semiconductor device disclosed by Mandelman et al. that scotches the factual determination that Mandelman et al. disclose a semiconductor device identically corresponding to that claimed.

Specifically, the semiconductor device defined in independent claim 5 comprises a fluorine or carbon containing region extending from the element isolation region over a junction interface between the first conductivity type semiconductor region and second conductivity type impurity region. No such structure is disclosed or suggested by Mandelman et al. **Indeed, Mandelman et al. neither disclose nor suggest forming a region containing fluorine or carbon extending from an element isolation region as claimed.**

The above argued difference between the claimed semiconductor device and the semiconductor device disclosed by Mandelman et al. undermine the factual determination that Mandelman et al. disclose a semiconductor device identically corresponding to that claimed. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc., supra; Kloster Speedsteel AB v. Crucible Inc., supra.* Applicants, therefore, submit that the imposed rejection of claims 5 and 6 under 35 U.S.C. § 102 for lack of novelty as evidenced by Mandelman et al. is not factually viable and, hence, solicit withdrawal thereof.

New claims 31 through 35.

New claims 31 through 35 are clearly free of the applied prior art. Specifically, the device defined in independent claim 31 comprises three regions containing fluorine. No such structure is disclosed or suggested by either Ono et al. or Mandelman et al.

Independent claim 32 is directed to a semiconductor device comprising, *inter alia*, a region containing fluorine or carbon which extends over the junction interface between the first conductivity type semiconductor region and second conductivity type impurity regions and a wire connected to the surface of the second conductivity type regions corresponding to the region introduced with said element through a contact hole. No such structure is disclosed or suggested

by the Ono et al. or Mandelman et al. Claims 33 through 35 depend from claim 32 and further distinguish over Ono et al. and Mandelman et al. Applicants, therefore, submit that claims 31 through 35 are clearly free of the applied prior art.

Based upon the foregoing it should be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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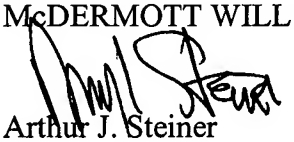

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